

**CIVIL SERVICE COMMISSION MINUTES
DECEMBER 6, 2006**

A regular meeting of the Civil Service Commission was held at 2:30 p.m. in the Sixth Floor Tower of the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Barry I. Newman
Francesca Krauel
W. Dale Bailey
Cheryl Fisher
A.Y. Casillas

Absent was:

None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamaray, Executive Officer
William D. Smith, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

**Approved
Civil Service Commission
January 17, 2007**

2:00 p.m. CLOSED SESSION: Discussion of Personnel Matters
and Pending Litigation

2:30 p.m. OPEN SESSION: 6th Floor Tower, 1600 Pacific
Highway, San Diego, California

COMMENTS: Motion by Bailey to approve all items not held for discussion; seconded by Casillas. Carried.

A. Commissioner Casillas: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(b)) Scott L. Zielinski, Esq., on behalf of **Macario Buenviaje**, former Human Services Specialist, appealing a Final Order of Removal and Charges from the Health and Human Services Agency.

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DISCIPLINES

Findings

3. Commissioner Casillas: Scott L. Zielinski, Esq., on behalf of **Macario Buenviaje**, former Human Services Specialist, appealing a Final Order of Removal and Charges from the Health and Human Services Agency.

FINDINGS & RECOMMENDATIONS:

Appellant Macario Buenviaje, hereinafter referred to as "Employee," was a Human Services Specialist in the Health and Human Services Agency, hereinafter referred to as the "Agency." The Agency removed him from County employment for alleged inappropriate conduct in violation of its sexual harassment policies. He had been counseled or disciplined on at least three previous occasions for similar conduct. He had also received sexual harassment training twice since his hiring in 2000. He was expressly directed to refrain from such conduct. Nevertheless, only two weeks after returning to work after a sixty day suspension for similar conduct, he made inappropriate comments to a visiting Tulare County employee, which caused her embarrassment and discomfort. The level of discipline was appropriate given Employee's prior training and discipline. At the Commission hearing on Appellant's appeal, the Agency proved all of the charges in the Final Order of Removal and Charges.

It is therefore recommended that the Final Order of Removal and Charges be affirmed; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Casillas to approve Findings and Recommendations; seconded by Bailey. Carried.

INFORMATION

4. **John Ralph**, Pharmacy Technician, withdrawal of appeal of an Order of Suspension and Charges from the Sheriff's Department.
(Commissioner Bailey)

Withdrawn.

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5. Julie Buechler, Esq., on behalf of **2006-05**, withdrawal of appeal of an Order from the Sheriff's Department. (Commissioner Fisher)

Withdrawn.

6. **Mary Gable**, former Human Services Specialist, withdrawal of appeal of a Final Order of Removal and Charges from the Health and Human Services Agency. (Commissioner Fisher)

Withdrawn.

7. **Alan Landers**, Procurement Contracting Officer, Department of Purchasing and Contracting, withdrawal of Rule X Selection Process appeal. (Commissioner Krauel)

Withdrawn.

8. **John McLean**, Procurement Contracting Officer, Department of Purchasing and Contracting, withdrawal of Rule X Selection Process appeal and Rule VI complaint alleging age and gender discrimination by the Department of Purchasing and Contracting. (Commissioner Krauel)

Withdrawn.

This matter was taken out of order by President Newman to allow Mr. McLean to address the Commission. Mr. McLean thanked the Commission and staff for its professional and courteous assistance throughout the Rule X and Rule VI processes above.

9. Public Input.

ADJOURNED: 2:50 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION:

JANUARY 17, 2007